IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 14TH NOVEMBER 2007 / 23RD KARTHIKA 1929

WP(C).No. 33457 of 2007(G)

AGAINST THE ORDER DATED 27/02/2007 IN IA.1399/2006 IN AS.208/2000 of ADDL. DISTRICT COURT-II, MAVELIKKARA

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PETITIONER: PETITIONER

VIJAYAMMA, D/O CHELLAMMA,
PADANANTHARA, THEKKETHIL,
PUTHIYAVILA, KANDALLOOR-690502.

BY ADV. SRI.P.B.SAHASRANAMAN
SRI.K.JAGADEESH
SRI.T.S.HARIKUMAR

RESPONDENTS: RESPONDENTS 2 TO 11

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1. MOHANDAS, URUVU VADAKKETHIL PEEDIKAYIL, PUTHIYAVILA MURI, KANDALLOR-690502.

2. REMA, URUVU VADAKKETHIL PEEDIKAYIL, PUTHIYAVILA MURI, KANDALLOOR - 690502.

3. VIDYADHARAN, PADANANTHARA THEKKETHIL, PUTHIYAVILA MURI, KANDALLOOR-690502.

4. JANARDHANAN, URUVU VADAKKETHIL, PUTHIYAVILA MURI, KANDALLOOR-690502.

5. ANANDAVALLY, URUVU VADAKKETHIL PEEDIKAYIL, PUTHIYAVILA MURI, KANDALLOOR-690502.

6. DEVADASAN, URUVU VADAKKETHIL
PEEDIKAYIL, PUTHIYAVILA MURI, KANDALLOOR-690502.

7. VASANTHA, URUVU VADAKKETHIL
PEEDIKAYIL, PUTHIYAVILA MURI, KANDALLOOR-690502.

8. CHANDRADASAN, URUVU VADAKKETHIL
PEEDIKAYIL, PUTHIYAVILA MURI, KANDALLOOR-690502.

9. VANAJA, URUVU VADAKKETHIL
PEEDIKAYIL, PUTHIYAVILA MURI, KANDALLOOR-690502.

10. SATHYAN, URUVU VADAKKETHIL
PEEDIKAYIL, PUTHIYAVILA MURI, KANDALLOOR-690502.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 14/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.Krishnan, J.

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W.P(C).No.33457 of 2007

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Dated this the 14th day of November, 2007.

JUDGMENT

This Writ Petition is preferred against the order of the Additional District Court II, Mavelikkara in I.A.No.1399 of 2006 in A.S.No.208 of 2000. It was an application filed for impleadment of a party at the appellate stage. There was an issue regarding non-joinder of necessary parties. Appellant did not take any steps. The court below found that the suit is bad for non-joinder of necessary parties and non-suited the plaintiff.

2. I feel that impleadment of a party at the appellate stage may not be proper and therefore, the order passed by the court below does not suffer from any infirmities. But at the same time, I make it clear that if there are circumstances and there are grounds on which the court considers that an opportunity has to be given to the party for impleadment of the proposed party in the suit, it can be considered at the stage of hearing of the

appeal and after hearing both sides, the court can pass order whereby the matter can be relegated to the court below for further action.

Writ Petition is disposed of accordingly.

M.N.Krishnan,
Judge.

ess 15/11